

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

MICHAEL RENE GARZA §  
VS. § CIVIL ACTION NO. 1:05cv630  
DOUGLAS DRETKE §

MEMORANDUM ORDER ADOPTING  
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Petitioner Michael Rene Garza, an inmate in the Texas Department of Criminal Justice, Institutional Division, proceeding *pro se*, filed this petition for writ of habeas corpus.

The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this court.

Petitioner has filed a motion to proceed *in forma pauperis*. The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge concerning the motion. The magistrate judge recommends the motion be denied and petitioner directed to pay the \$5 filing fee.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record, pleadings and all available evidence. No objections were filed to the Report and Recommendation.

O R D E R

Accordingly, the findings of fact and conclusions of law of the magistrate judge are correct and the report of the magistrate

judge is **ADOPTED**. Petitioner's motion to proceed *in forma pauperis* is **DENIED**. Petitioner shall, within 20 days of receipt of this Memorandum Order, submit the \$5 filing fee to the court. Failure to comply with this order may result in dismissal of this action for want of prosecution.

So **ORDERED** and **SIGNED** this 19 day of December, 2005.

  
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Ron Clark, United States District Judge